



SEXUAL ASSAULT
PREVENTION



Understanding Sexual Assault

- **The Crimes**
- **Intervention**
- **Impact**
- **Investigations**





**ALL SERVICE MEMBERS ARE SUBJECT
TO THE**

**UNIFORM CODE OF MILITARY
JUSTICE (UCMJ)**

ARTICLE 120 OF THE UCMJ

- **Article 120 of the UCMJ separates sexual assault crimes into three categories:**
 - **Sexual Act Crimes**
 - Contact between the PENIS and the VULVA (**male and female ONLY**). Occurs when penetration, however slight, of the genital opening of another by a penis, hand, finger, or any object with the intent to abuse, humiliate, harass, or degrade any person or gratify the sexual desire of any person.
 - **Sexual Contact Crimes**
 - Intentional touching or intentionally causing another person to touch either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of another with the intent to abuse, humiliate, or degrade, any person, or to arouse, or gratify the sexual desire of any person. Can be male on male, male on female, female on female, or female on male.
 - **Other Sexual Crimes**

Sexual Act Crimes

Rape:

MAXIMUM PUNISHMENT: DEATH

Causing another to engage in a sexual act (PENETRATION) by:

- Using force
- Causing grievous bodily harm (GBH)
- Threat of death, GBH, or kidnapping
- Rendering unconscious
- Drugging to impair



Aggravated Sexual Assault:

MAXIMUM PUNISHMENT: 30 YEARS

- Causing another to engage in a sexual act (PENETRATION) by:
 - Threats (other than death, GBH, or kidnapping)
 - Causing bodily harm
 - **Taking advantage of incapacitation**



Sexual Contact Crimes

Aggravated Sexual Contact

MAXIMUM PUNISHMENT: 20 YEARS

- Engaging in or causing sexual contact by:
 - Using force
 - Causing grievous bodily harm (GBH)
 - Threat of death, GBH, or kidnapping
 - Rendering unconscious
 - Drugging to impair



Abusive Sexual Contact

MAXIMUM PUNISHMENT: 7 YEARS

- Engaging in or causing sexual contact by:
 - Threats (other than death, GBH, or kidnapping)
 - Causing bodily harm
 - *Taking advantage of incapacitation*

Child Sexual Offenses

- Rape of a child
- Aggravated sexual assault of a child
- Aggravated sexual abuse of a child
- Aggravated sexual contact with a child
- Abusive sexual contact with a child (12-16 years)
- Indecent liberty with a child (under 16 years) **MAXIMUM PUNISHMENT: 15 YEARS**



You better know the age of the person you are planning to have sex with. Even if it is a “consensual” act, you may commit a crime if your partner is under age. (NOTE: Age of consent varies by jurisdiction)

Other Sexual Crimes

- **Indecent Act**
- **Indecent Exposure**
- **Forcible Pandering**
- **Wrongful Sexual Contact**
- **Forcible Sodomy (Article 125)**



Other Sexual Crimes

Indecent Act

- Occurs when one participates in indecent conduct. (Grossly vulgar, obscene and repugnant to common propriety. Can include videotaping or photographing sexual behavior without consent)

Wrongful Sexual Contact

- Occurs when one engages in sexual contact with another without that person's permission or lawful authorization



Rape Myths

- **Rape is a crime of passion**
- **Victims who are careful don't get raped**
- **Victims secretly want to be raped**
- **The rapist is usually a stranger**
- **Most reports of sexual assault are false**
- **Only the young and attractive are raped**
- **Only those who are provocative are raped**



It Won't Happen To Me....



Sexual Assault happens to both men and women

Dynamics of Sexual Assault

- **Non-Stranger Rape, known as: “Date rape” or “Acquaintance rape”**
- **Over 80% of rape victims know their assailant**
- **Most military sexual assault incidents occurred in the barracks, off base apartments, and rented hotel rooms**
- **A majority of sexual assaults in the military involve alcohol consumption by the victim, suspect or both**

Consent is a *“muddy issue”*

“I didn't want to...but I didn't say anything”
“I didn't want to...but I didn't say anything”

“She didn't say no”
“She didn't say no”

“She said no but I thought she was kidding.”
“She said no but I thought she was kidding.”

DoDD 6495.01

- The Department of Defense Directive 6495.01 was amended 07Nov08 and includes a new and updated definition of “Sexual Assault”. (NOTE: This is not a “legal” definition, but the definition used by DoD in reference to the issue of sexual assault in the military).

Sexual Assault per DoDD 6495.01

*Sexual Assault is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or **when the victim does not or cannot consent.** Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts.*

Sexual Assault per DoDD 6495.01 (Cont.)

*“Consent” means words or overt acts indicating a **freely given** agreement to the sexual conduct at issue by a **competent person**. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused’s use of force, threat of force, or placing another person in fear does not constitute consent.*

Sexual Assault per DoDD 6495.01 (Cont.)

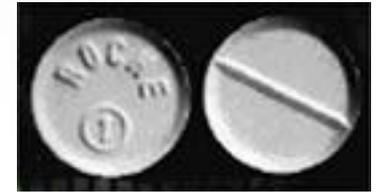
*A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall **not** constitute consent.*

Drugs and Alcohol



- **Impair judgment**
- **Often used in order to facilitate the sexual assault**
- **Increases sexual desire and misperceptions**

DRUGS



- **Rohypnol**
 - **“Ruffies” - a benzodiazepine that when combined with alcohol produces short term amnesia and unconsciousness**
 - **Pills are ground up and slipped into alcoholic drink**
 - **Unconsciousness not immediate - most victims function for some time before passing out**
 - **Memory is impaired; overdose is dangerous and sometimes life threatening**

DRUGS

- **Gamma Hydroxybutarate**
 - **Clear, odorless liquid that can be made in any chemistry lab**
 - **When mixed with alcohol causes sedation and memory impairment**
 - **Can be fatal in overdose quantities**
 - **Some abusers prefer GHB to alcohol -- by itself gives a good “drunk” and no hangover**





“NO” means NO

- **Sex last night does not = consent for sex today**
- **Sex CAN stop at ANY time**
- **If a person has passed out - there is **NO** consent**
- **If a person is too intoxicated to make an informed decision - there is **NO** consent**



Case Example

■ Case Highlights:

- Female victim, intoxicated, asleep in her barracks room.
- Awakened by male acquaintance, sitting on top of her, inserting his fingers, then his penis into her vagina
- Victim pushed subject off of her, asking him a number of times to leave her room.

■ Trial:

- At GCM, Subject was found guilty of Article 120-Rape, Article 130-Housebreaking, and Article 134-Adultery.

■ Punishment:

- *15 years confinement*
- *Reduction to E-1*
- *Total forfeiture of all pay and allowances*
- *Dishonorable Discharge from U.S. Marine Corps*





***WHAT CAN YOU DO TO KEEP
YOU AND YOUR FELLOW
SERVICE MEMBERS SAFE?***

Avoid the Risk

- **Drink responsibly and know your limits**
- **Agree not to leave the party with a “new” friend**
- **Would it happen if you were sober???**
- **Know your partner’s AGE**
- **Use the “buddy system” as a safety plan**
- **In DoD cases, both victim and alleged perpetrator are most often junior in rank and in their 20’s, but can be any rank and age**

BYSTANDER INTERVENTION

- Sailors or Marines preventing sexual violence by taking action to protect their fellow service members by actively creating a culture of respect for the men and women who serve in the United States military
- Service members have a **RESPONSIBILITY** to care for each other.

BYSTANDER INTERVENTION

- Intervention does not mean that you directly intervene to stop a crime in progress; rather, you conduct “early intervention”, meaning you act BEFORE the “crime” can occur.
- Active bystanders take the initiative to help someone who may be incapacitated and/or help friends who are not thinking clearly from becoming perpetrators of crime.

BYSTANDER INTERVENTION

- **EXAMPLES OF BYSTANDER INTERVENTION:**
 - ✓ Call the Police
 - ✓ Make up an excuse to get someone away from a risky situation.
 - ✓ Point out disrespectful behavior.
 - ✓ Recommend to a bartender or party host that someone has had too much to drink.
 - ✓ Try to keep someone from going to an isolated location (hotel room, barracks room, etc) especially when intoxicated.

BYSTANDER INTERVENTION

**What are some other
examples of BYSTANDER
INTERVENTION????**



BYSTANDER INTERVENTION

- Always keep yourself safe
- Know various options that are available
- Attempt to have one or more people assist you.
- Be firm
- Avoid violence
- Decide how best to help

The Impact of Sexual Assault

Common Victim Reactions to Rape:

- **No longer feel safe**
- **Loss of control over life as it was before**
- **Loss of self-worth – feeling damaged**
- **Isolation/loneliness**
- **Distrust – don't feel safe with anyone**
- **Guilt – “must have done something to provoke the attack”**



The Impact of Sexual Assault

- **Depression**
 - **Loss of hope, loss of meaning in life**
- **Sleeplessness/nightmares**
- **Phobias**
 - **Intense fears about things associated with the rape (e.g., fear of leaving the house)**
- **Suicidal ideation/gestures/attempts**

Rape Trauma Syndrome

The emotional, psychological, and social impact of rape

Immediately After Rape

- **Victims may exhibit fear, anger, and/or outrage**
- **By adopting a controlled style of response, exhibit little visible reaction**
- **They may be emotionally numbed or overwhelmed by the stress of the experience**

Rape Trauma Syndrome



Those close to the victim

- **Parents/spouses may exhibit physical and emotional symptoms similar to the victim's**
- **Close relationships are altered as loved one's struggle to cope with the crime and survivor**
- **Family and friends may become over-protective or patronizing**
- **Pre-existing intimate relationships may be destroyed**

The Investigation

- **Reporting to Law Enforcement**
- **Complaint Taken**

- **Evidentiary Searches**
 - **Scene**
 - **Barracks/Hotel Room**
 - **NCO Club**
 - **Empty lot or other secluded areas**
 - **Victim's body**



The Investigation: What's Next?

- **There are numerous investigative steps:**



- **Witness interviews**
- **Evidence examination**
- **Victim interviews**
- **Physician interviews**
- **Suspect interview**
- **Records reviews**

Victim/Witness Assistance Program (VWAP)

- **DoD VWAP is provided in Federal Law**
 - **Victims of Crime must be treated with dignity and compassion**
 - **Provide information to assist with questions and an understanding of the military criminal justice system**



DoD Defined Victim/Witness Program

- **Your Rights as a Victim**
 - The right to be treated with fairness and dignity
 - The right to be reasonably protected from the offender
 - The right to be notified of court proceedings
 - The right to be present at all court proceedings unless otherwise determined by the court
 - The right to confer with the attorney for the Government
 - The right to available restitution
 - The right to information about the conviction, sentencing, incarceration, and release of the offender



DoD Sexual Assault Policy

- **Restricted Reporting**
 - An investigation is not initiated
- **Unrestricted Reporting**
 - An investigation is initiated



DoD Restricted Reporting Policy

- **Victim may ONLY notify:**
 - **Victim Advocate**
 - **Sexual Assault Response Coordinator (SARC)**
 - **Healthcare Provider**
 - **Chaplain**
- **Law enforcement is NOT notified**
- **Victims will be provided a Victim Advocate**
- **Victim signs a statement of reporting preference**

DoD Unrestricted Reporting Policy

- **An official investigation is initiated**
- **Victims will be provided a Victim Advocate and a SARC will monitor their care**
- **Victims will be updated monthly on the status of the investigation**



DoD Policy: Exceptions to Confidentiality

- **When authorized by the victim, in writing**
- **To prevent a serious threat to health or safety**
- **When required for supervision of victim services**
- **When disclosure is ordered by federal or state statute**
- **Disability Retirement Boards**

RESTRICTED REPORTING

- Things to remember:
 - If you tell a roommate or friend and the roommate/friend tells the Command, it has been “reported”.
 - Once you go “unrestricted”, you cannot change your mind and go back to “restricted reporting”

STAY SAFE

- Help fellow service members who cannot help themselves (too intoxicated, etc)
- Intervene when safe to do so
- Utilize other avenues (police, command, etc) when you observe what you believe to be an unsafe, criminal incident occurring or about to occur
- **ALWAYS USE COMMON SENSE!!!**



NCIS Hotline
1-877-579-3648

Sexual Assault Hotline
Rape, Abuse & Incest National Network
1-800-656-HOPE
**(Note: This number will connect you to your local rape
crisis center)**





QUESTIONS?

